

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

CHAPTER 13 PLAN

In re:

NANCY ANNE AUG
KYLE RICHARD AUG

Dated: January 28, 2011

DEBTOR

Case No.

*In a joint case,
debtor means debtors in this plan.*

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- As of the date of this plan, the debtor has paid the trustee \$ 0.00 .
- After the date of this plan, the debtor will pay the trustee \$ 341.00 * per Month for 60 months, beginning within 30 days after the order for relief for a total of \$ 34,244.00 . The minimum plan payment length is 36 or X 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- The debtor will also pay the trustee
- The debtor will pay the trustee a total of \$ 34,244.00 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 3,424.40 , [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — **NONE.**

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — **NONE.**

5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

<i>Creditor</i>	<i>Description of Property</i>
a. <u>ALLY BANK</u>	<u>2008 MAZDA 3</u>
b. <u>GMAC MORTGAGE, LLC</u>	<u>HOMESTEAD</u>

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. <u>TCF NATIONAL BANK</u>	\$ <u>3,000.00</u>	\$ <u>PRO-RATA</u>	<u>10</u>	<u>20</u>	\$ <u>3,000.00</u>
b. TOTAL					\$ <u>3,000.00</u>

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Int. rate (if applicable)</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. <u>CITIZENS AUTO FINANCE</u>	\$ <u>424.00</u>	<u>0.0</u>	\$ <u>PRO-RATA</u>	<u>10</u>	<u>20</u>	\$ <u>424.00</u>
b. <u>DAKOTA COUNTY PROPERTY TAXES</u>	\$ <u>2,000.00</u>	<u>10.0</u>	\$ <u>PRO-RATA</u>	<u>10</u>	<u>20</u>	\$ <u>2,329.19</u>
c. TOTAL						\$ <u>2,753.19</u>

8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] — **NONE.**

9. PRIORITY CLAIMS — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

<i>Creditor</i>	<i>Estimated Claim</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. <u>Attorney Fees</u>	\$ <u>2,774.00</u>	\$ <u>308.22</u>	<u>1</u>	<u>9</u>	\$ <u>2,774.00</u>

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
b. TOTAL					\$ <u>2,774.00</u>

10. SEPARATE CLASSES OF UNSECURED CREDITORS — NONE.

11. TIMELY FILED UNSECURED CREDITORS — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 22,292.41 [line 1(d) minus lines 2, 6(b), 7(c), 8(a), 9(b) and 10(a)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00 .
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 326,205.45 .
- Total estimated unsecured claims are \$ 326,205.45 [line 11(a) + line 11(b)].

12. TARDILY-FILED UNSECURED CREDITORS — PLEASE SEE PARAGRAPH 13 BELOW.

13. OTHER PROVISIONS —

***The plan is a step plan which will pay as follows: \$341.00 monthly for 40 months, then \$561.00 monthly for 2 months, then \$681.00 for 6 months, and then \$1,283.00 monthly for 12 months.**

The trustee may distribute funds not allocated above at her discretion.

TAX REFUND PROVISION: The debtors will provide the Trustee with copies of all tax returns when filed. The debtors are entitled to keep the first \$2000.00 worth of tax refunds; any amounts over \$2000.00 shall be paid to the Trustee as additional payments beginning in tax year 2011.

In the event a creditor is inadvertently omitted from the schedules and Debtor sends it notice of the case after the time period for timely filing claims has expired, and if said creditor files a late claim, the trustee shall pay said creditor in the same manner as timely filed claims.

14. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$	<u>3,424.40</u>
Home Mortgage Defaults [Line 6(b)]	\$	<u>3,000.00</u>
Claims in Default [Line 7(c)]	\$	<u>2,753.19</u>
Other Secured Claims [Line 8(a)]	\$	<u>0.00</u>
Priority Claims [Line 9(b)]	\$	<u>2,774.00</u>
Separate Classes [Line 10(a)]	\$	<u>0.00</u>
Unsecured Creditors [Line 11]	\$	<u>22,292.41</u>
TOTAL [must equal Line 1(d)]	\$	<u>34,244.00</u>

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

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Signed /s/ NANCY ANNE AUG
NANCY ANNE AUG
DEBTOR

Signed /s/ KYLE RICHARD AUG
KYLE RICHARD AUG
DEBTOR (if joint case)